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SUPERFUND BRANCH

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Ms. Bonnie Lavelle  
Remedial Project Manager  
EPA Region 8 (8EPR-SR)  
999 18<sup>TH</sup> Street, Suite 300  
Denver, Colorado 80202-2466

RE: Proposed Plan for Cleaning Up Residential Soils within the Vasquez  
Boulevard & Interstate 70 Superfund Site – Denver, Colorado

Dear Ms. Lavelle:

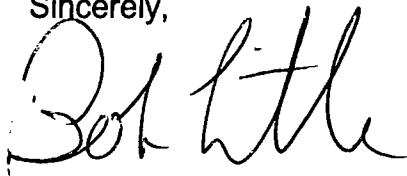
Thank you for the opportunity to review and make comments on the Proposed Plan for Cleaning Up Residential Soils within the Vasquez Boulevard & Interstate 70 Superfund Site – Denver, Colorado, that were provided to the VB/I-70 Working Group on May 16, 2002. Asarco is making these general comments without waiving any of the objections and comments it has previously made on the Risk Assessment and Remedial Investigation/Feasibility Study, either in writing or in meetings with the EPA and the Work Group. Our general points about the proposed plan are as follows:

- All of the alternatives except for the "No Action" alternative appear to be directed at least in part (if not totally) at cleaning up sources that are outside the scope of EPA's statutory authority (e.g., homeowners application of herbicides/pesticides and exterior/interior lead based paint).
- EPA states in the proposed plan that action levels of 240 ppm for arsenic and 1100 ppm for lead would have been protective for the site but the proposed plan does not evaluate an alternative with those action levels. The EPA should have done an alternative for those action levels.
- The action level for arsenic was reduced from 240 ppm in alternatives 2 & 3 down to 128 ppm in alternative 4 (the preferred alternative) and 47 ppm in alternative 5. The reason for these reductions is not clearly stated in the proposed plan.

- If the arsenic action level was reduced because of soil pica behavior, then the reduction is inappropriate. There is no reported soil pica behavior at this site. There has never been a reported case of acute arsenic toxicity in humans from arsenic in soil. All of the numbers reported surrounding this theoretical soil pica behavior are highly uncertain. Lowering the action level for a behavior that likely does not exist is not justifiable and is inconsistent with the National Contingency Plan.
- On page 6, the proposed plan states that CDPHE has already indicated to EPA a preference for alternative 4 and that EPA therefore evaluated state acceptance as part of this Proposed Plan. If the arsenic action level was reduced to get state acceptance to the Proposed Plan or because the state believes there is a state requirement that dictates a lower number, then EPA should have analyzed the incremental cost and the state should be prepared to pay the incremental cost pursuant to section 121 (f) of CERCLA.
- On page 5 the proposed plan states that given the other sources of lead that may be present in a child's home, EPA decided to select a more protective standard of 540 ppm lead in soil. This decision is not well supported in the proposed plan. EPA's authority relates to soil and outdoor exposures only. The more appropriate remedy would have been to keep the 1100 ppm lead action number and have the community health program to deal with the other sources. During Work Group Meetings, EPA discussed successes at other sites with community health programs that dealt with the site specific "multi-media" additional sources of lead.

Thank you for the opportunity to comment on this document. If you have any questions regarding these comments, please contact me at 303-296-5115.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Little". The signature is fluid and cursive, with the first name "Bob" and last name "Little" clearly distinguishable.

Bob Little  
Asarco

Cc: VB I-70 Work Group Members